761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: January 12, 2006

FILE NO.: FO2156981

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY SCOTT MCCARTHY, #[redacted]
DEPUTY JOSE AGUILAR, #[redacted]
DEPUTY NOAH CORRALES, #[redacted]
DEPUTY [redacted] #[redacted]
MEN'S CENTRAL JAIL

On September 15, 2005, MCJ Inmate was returning to the 2600/2800 Module and approached Deputy McCarthy and asked to be moved to another module. Inmate told Deputy McCarthy that he did not want to be housed in the 2600/2800 Module because the module trustees were rival gang members and he did not want to be attacked by other gang members. Inmate watched other inmates as he talked to Deputy McCarthy. Deputy McCarthy directed Inmate to wait in the laundry room until the module officer opened the row gate, then Deputy McCarthy would have an opportunity to talk with Inmate and check to see if there was room in another module. However, without warning, Inmate grabbed Deputy McCarthy by the shirt and attempted to push him to the side. Deputy McCarthy punched Inmate once in the face, and Inmate released his grasp. Inmate again reached for Deputy McCarthy, and Deputy McCarthy pushed Inmate back, then maneuvered in behind Inmate and took Inmate to the floor. Deputy McCarthy was holding Inmate down, struggling and fighting with him, when Deputy McCarthy radioed for assistance. As assisting deputies arrived, Inmate was pushing himself up off of the floor, and kicking at another deputy. Inmate resisted all attempts to being handcuffed. As Inmate was continuing to get up and resist, assisting Deputy Corrales kneed Inmate twice in the face, causing Inmate to fall back to the floor. Other assisting deputies were then able to pull Inmate's arms behind his back and handcuff him without further incident. Inmate sustained a fractured nose, a broken right cheek bone, a dislocated right shoulder, a sprained left ankle, and a two inch abrasion to his forehead. No deputies were injured.

On January 12, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 005-01434-5100-145		Date: 10-15-05	Time: 1645 HRS
Location: MODULE 2600/2800 LAUNDRY ROOM			
City or Station: LOS ANGELES			
Bureau/Station/Facility: MEN'S CENTRAL JAIL		Admin. Investigation: YES ☐ NO ☒	

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	SATO	BRADLEY	
[redacted]	STEVENSON	EUGENE	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	28	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]			[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		19	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]		[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	BROSSOIT	SYLVIA	A.	SGT	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	ARMAS	MANUEL		SLD	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	GREEN	MICHAEL	B.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	MARTIN	WILLIAM	E.

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: SGT. RICHARD SMITH (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2156981

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

SH-R-438 Rev. 10/98

Supervisor's Report on Use of Force

URI: 005-01434-5100-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC	NN	NN
S#1	E#1	PP	NN	CH
S#1	E#1	CT	NN	CH
S#1	E#1	RS	NN	NN
S#1	E#2	RS	NN	NN
S#1	E#4	PK	NN	NN
E#1	S#1	PH	LC	FA
E#1	S#1	TD	SD	FA
E#1	S#1	CT	NN	NK
E#1	S#1	RH	NN	HD
E#2	S#1	CT	NN	AR
E#2	S#1	PO	BR	BK
E#3	S#1	PO	LA	FA
E#4	S#1	FL	SD	AK
E#5	S#1	PH	SD	FA
E#5	S#1	CT	NN	AR

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 005-01434-5100-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	MCCARTHY	SCOTT	R.

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	WHT	MEN'S CENTRAL JAIL	2600/2800 TITLE 15

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	5'05"	170LBS

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	AGUILAR	JOSE	G.

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	HISP	MEN'S CENTRAL JAIL	2401 DAY ROOM DEPUTY

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	5'09"	200LBS

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	CORRALES	NOAH	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	HISP	MEN'S CENTRAL JAIL	2200/2400 TITLE 15

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'02"	180LBS

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	HISP	MEN'S CENTRAL JAIL	2000 PROWL #1

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	5'08"	210LBS

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	PRIES	JOHN	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	WHT	MEN'S CENTRAL JAIL	2500 MODULE OFFICER

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'10"	180LBS

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATIOI

URN: 005-01434-5100-145

Suspect Information

S1

Last Name: FERGUSON | First Name: DONNIEYELL | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [X] Male [ ] Female | Race: BLK | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 180LBS | Height: 5'11" | D.O.B. 10-27-86 | Weight: 180LBS | Armed? [ ]

Booking #: 8705115 | Primary Charge: 215 P. C. | Secondary Charge: | Criminal Histor [redacted]

Hospital Admission? [X] | Rec'd Treatment At: LCMC | Coroner Case#: | Mental History [ ]

Under Influence: [ ] YES [X] NO | Substance: | Photos of Suspect's Injuries [X] YES [ ] NO

Suspect Interview

Date: OCTOBER 24, 2005 | Time: 1720 HRS | Audiotape: [X] | Videotape: [ ]

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge: | Secondary Charge: | Criminal History [ ]

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case#: | Mental History [ ]

Under Influence: [ ] YES [ ] NO | Substance: | Photos of Suspect's Injuries [ ] YES [ ] NO

Suspect Interview

Date: | Time: | Audiotape: [ ] | Videotape: [ ]

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge: | Secondary Charge: | Criminal History [ ]

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case#: | Mental History [ ]

Under Influence: [ ] YES [ ] NO | Substance: | Photos of Suspect's Injuries [ ] YES [ ] NO

Suspect Interview

Date: | Time: | Audiotape: [ ] | Videotape: [ ]

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE:BROKEN BONES
I.A.B. FILE NUMBER: FO 2156981
URN: 005-01434-5100-145

On Saturday, October 15, 2005, Sergeants Richard Smith and John Harris of the Internal Affairs Bureau responded to Men's Central Jail, regarding a use of force resulting in Suspect Donnieyell Ferguson having broken bones in his face.

The summary of this incident is based on information obtained from reports written by and interviews of the involved employees and witnesses, whose individual statements are summarized in this report.

INVOLVED PERSONNEL:

Deputy McCarthy, Scott, #[redacted]	MW[redacted]	5'05"/170lbs
Deputy Aguilar, Jose, #[redacted]	MH[redacted]	5'09"/200lbs
Deputy Corrales, Noah, #[redacted]	MH[redacted]	6'02"/180lbs
Deputy [redacted] #[redacted]	MH[redacted]	5'08"/210lbs
Deputy Pries, John, #[redacted]	MW[redacted]	5'10"/180lbs

EMPLOYEE WORK HISTORY

Deputy McCarthy is a 4 ½ year veteran of the Department and has been assigned to Men's Central Jail since October 28, 2001. He has no prior history of founded force related incidents.

Deputy Aguilar is a 5 year veteran of the Department and has been assigned to Men's Central Jail since September 17, 2000. He has no prior history of founded force related incidents.

Deputy Corrales is a 4 year veteran of the Department and has been assigned to Men's Central Jail since November 16, 2003. He has no prior history of founded force related incidents.

Deputy [redacted] 4 ½ year veteran of the Department and has been assigned to Men's Central Jail since October 28, 2001. He has no prior history of founded force related incidents.

Deputy Pries was hired on May 4, 2005 and has been assigned to Men's Central Jail since October 31, 2005. He has no prior history of founded force related incidents.

SUSPECT

Ferguson, Donnieyell, BK#8705115 MB/18 5'11"/180lbs

Suspect Ferguson's criminal history includes [redacted]

WITNESSES

Department Personnel

Custody Assistant Bradley Sato, #[redacted]	Men's Central Jail	(213)974-4921
Custody Assistant Eugene Stevenson, #[redacted]	Men's Central Jail	(213)974-4921

Inmate Witnesses



[redacted] BK#[redacted] [redacted]
BK#[redacted]

INJURIES

No Deputies were injured in this incident.

Suspect Ferguson received a broken nose, a broken right cheek bone, a dislocated right shoulder, a sprained left ankle and an approximate two inch abrasion to his forehead.

PHYSICAL EVIDENCE

Photographs of the incident location.

INVESTIGATOR OBSERVATIONS:

The incident location was a large room with one bag of trash against a wall. There was nothing else in the room.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy McCarthy used personal weapons by punching Suspect Ferguson with his fist, placed a headlock on Suspect Ferguson and used this leverage to pull Suspect Ferguson off balance and used his body weight to restrain Suspect Ferguson.

Deputy Aguilar used a firm grip control hold and kneed Suspect Ferguson two times in the lower back.

Deputy Corrales kneed Suspect Ferguson two times in the face.

Deputy [redacted] struck Suspect Ferguson two times with his flashlight on the lower part of his legs.

Deputy Pries struck Suspect Ferguson two times in the face with his fist.

WEAPONS USED BY SUSPECT

Suspect Ferguson used personal weapons, elbows and feet, in his assault on Deputy personnel.

PROPERTY DAMAGE:

NONE

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Detective Alfred Jaime, #[redacted] filed one count of 69 P. C. and one count of 243(b) P. C. On Suspect Ferguson. Both charges were rejected by the District Attorney's Office.

LIGHTING OR WEATHER CONDITIONS:

This incident occurred inside the Laundry Room for Modules 2600 and 2800. Standard lighting was in place.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Scott McCarthy, #[redacted]

Deputy McCarthy said that he was entering Module 2600/2800 escorting inmates with passes when he was approached by Suspect Ferguson. Suspect Ferguson told him that he wanted to be moved to another module. Due to the need to put the other inmates into their modules, he directed Suspect Ferguson to wait in the Laundry Room until he had the opportunity to talk to him. He said that Suspect Ferguson was hesitant, but did comply.

Deputy McCarthy said that after he had put the other inmates into their respective modules, he went to the Laundry Room and contacted Suspect Ferguson, who was standing just inside the Laundry Room door. He said that Suspect Ferguson told him that he was a "Hoover" gang member and that he did not want to be attacked by rival gang members. He said that as they talked, Suspect Ferguson continually looked over his shoulder, past him, possibly at the inmate workers who were walking around in the hallway.

Deputy McCarthy said that as they were talking, without warning, Suspect Ferguson suddenly grabbed his shirt and attempted to push him to the side. Deputy McCarthy said that he immediately punched Suspect Ferguson in the face and Suspect Ferguson released his grasp and moved back. Suspect Ferguson stepped toward him with his hands raised and reaching for him. He said that he determined that Suspect Ferguson was going to continue his assault on him and he pushed Suspect Ferguson back toward a wall. He then maneuvered behind Suspect Ferguson, grabbed Suspect Ferguson around his neck and took him to the ground.

Deputy McCarthy said that they fell to the ground, Suspect Ferguson was face down and he was on Suspect Ferguson's back with his right arm around Suspect Ferguson's neck. He said that as they struggled on the ground, he continued to try and control Suspect Ferguson, but was unsuccessful. At this point Deputy McCarthy requested assistance for a Deputy involved in a fight. Suspect Ferguson continued to fight, attempting to strike Deputy McCarthy with his elbows. Suspect Ferguson then attempted to push himself up off the ground at which time Deputy McCarthy used his body weight to keep Suspect Ferguson on the ground.

Deputy McCarthy said that Suspect Ferguson was able to raise his upper body off the ground and he saw an unknown deputy knee Suspect Ferguson in the face two times which caused Suspect Ferguson to fall back to the ground. Suspect Ferguson continued to fight by kicking and attempting to strike him with his elbows. He said that unknown deputies were able to gain control of Suspect Ferguson's arms, pulling his arms behind his back, at which time he was able to handcuff Suspect Ferguson.

Deputy McCarthy said that O. C. spray was not an option due to the attack being without warning. He did not see anyone strike Suspect Ferguson with an impact weapon.

Deputy Jose Aguilar, #[redacted]

Deputy Aguilar said that he responded to Module 2600/2800 Laundry Room regarding radio traffic of a deputy involved in a fight. As he entered the Module, he was directed by an inmate worker to the Laundry Room. From the open doorway, he saw Deputy McCarthy engaged in a fight with Suspect Ferguson. He immediately went to the location of the fight and dropped to his knees on Suspect Ferguson's right side.

Deputy Aguilar said that he began ordering Suspect Ferguson to stop fighting as he grabbed Suspect Ferguson's right arm as he attempted to lift himself off the ground. He said that he attempted to place Suspect Ferguson's arm behind his back; however, Suspect Ferguson continued fighting and resisting as well as attempting to free himself from Deputy Aguilar's grasp. He said that he was concerned that he would lose control of Suspect Ferguson and kneed Suspect Ferguson two times in his lower back hoping to distract Suspect Ferguson and cause him to stop resisting.

Deputy Aguilar said that after kneeing Suspect Ferguson, he was able to pull his right arm behind

his back as Deputy Pries was able to pull Suspect Ferguson's left arm behind his back at which time Suspect Ferguson was handcuffed by Deputy McCarthy. He said that he did not see any one strike Suspect Ferguson with an impact weapon. He said that O. C. spray was not an option as he was using both hands to control Suspect Ferguson.

Deputy Noah Corrales, #[redacted]

Deputy Corrales said that he responded to Module 2600/2800 regarding radio traffic advising of a Deputy involved in a fight. When he arrived he went to the laundry and saw Deputy McCarthy lying on top of Suspect Ferguson with his arm around Suspect Ferguson's neck as Suspect Ferguson attempted to push himself off the ground. He went to Deputy McCarthy's side and positioned himself at Suspect Ferguson's head. He began pushing down on Suspect Ferguson's head to prevent Suspect Ferguson from rising as he ordered Suspect Ferguson to stop fighting.

Deputy Corrales said that as he was pushing down on Suspect Ferguson's head, he looked up and saw that Suspect Ferguson was kicking at Deputy [redacted] In order to stop Suspect Ferguson from kicking and possibly injuring Deputy [redacted] he kneed Suspect Ferguson in the face two times with his right knee. He said that his knee strikes had minimal effect and he again began pushing down on Suspect Ferguson's head. Deputy personnel were then able to handcuff Suspect Ferguson.

Deputy Corrales said that O. C. spray was not an option due to the close proximity of deputy personnel and the cross contamination that would result. He said that he did not see any deputy personnel use any type of impact weapon during the incident.

Deputy [redacted]

Deputy [redacted] said that he responded to Module 2600/2800 regarding radio traffic requesting assistance for a Deputy involved fight. When he arrived at the module he entered the Laundry Room and saw Deputy McCarthy lying on top of Suspect Ferguson attempting to control him with his right arm around Suspect Ferguson's neck.

Deputy [redacted] said that Deputy Aguilar went to the upper body of Suspect Ferguson and he went to Suspect Ferguson's legs. He saw Deputy Aguilar attempting to control Suspect Ferguson's right arm as Deputy Aguilar ordered Suspect Ferguson to stop resisting. As this was occurring, he saw Deputy Aguilar knee Suspect Ferguson in the right rib area.

Deputy [redacted] said that he saw Suspect Ferguson attempt to push himself up from the ground as he began kicking at him. He struck Suspect Ferguson two or three times in the ankle to stop him from kicking. Suspect Ferguson stopped kicking and was handcuffed by Deputy McCarthy with the assistance of Deputies Aguilar and Pries.

Deputy [redacted] said that he did not see anyone strike Suspect Ferguson with an impact weapon. He said that O. C. spray was not an option for him due to his being at Suspect Ferguson's legs.

Deputy John Pries, #[redacted]

Deputy Pries said that he responded to Module 2600/2800 regarding a request for assistance for a deputy involved in a fight. Upon entering the module he heard the sounds of a struggle emanating from the Laundry Room. As he entered the Laundry Room he saw deputy personnel attempting to gain control of Suspect Ferguson. He said Suspect Ferguson was lying face down, kicking his legs "violently" at deputy personnel.

Deputy Pries said that he immediately ran to Suspect Ferguson and struck him in the face with his fist one or two times. Suspect Ferguson stopped fighting and he was able to gain control of Suspect Ferguson's left arm and place it behind his back. He said that Deputy Aguilar had control of Suspect Ferguson's right arm and Deputy McCarthy was able to handcuff Suspect Ferguson.

Deputy Pries said that he did not see anyone strike Suspect Ferguson with an impact weapon or did he see anyone strike Suspect Ferguson at any time. He said that O. C. spray was not an option due to the close proximity of deputy personnel.

WITNESSES STATEMENTS:

Custody Assistant Bradley Sato, #[redacted]

Custody Assistant Sato said that he was in the Officer's Staff Station at Module 2600 when he heard a "scuffling" noise coming from the Laundry Room which is directly across from his location. He said that he looked up and saw Deputy McCarthy holding Suspect Ferguson by "the collar area," holding Suspect Ferguson against the back wall of the Laundry Room. Immediately upon seeing Deputy McCarthy he began to exit the Staff Station. He saw five or six inmate workers enter the Laundry Room. He said that he went to the doorway of the Laundry Room, saw that Deputy McCarthy had a hold of Suspect Ferguson's neck and appeared to have control of Suspect Ferguson. He immediately began ordering the inmate workers out of the Laundry Room. He escorted the inmate workers away from the Laundry Room and maintained security as deputies entered the Laundry Room. He did not see any deputies use impact weapons or strike Suspect Ferguson in any way.

Custody Assistant Eugene Stevenson, #[redacted]

Custody Assistant Stevenson said that he saw Deputy McCarthy tell Suspect Ferguson to wait for him in the Laundry Room. He said that Suspect Ferguson's body language was "aggressive"

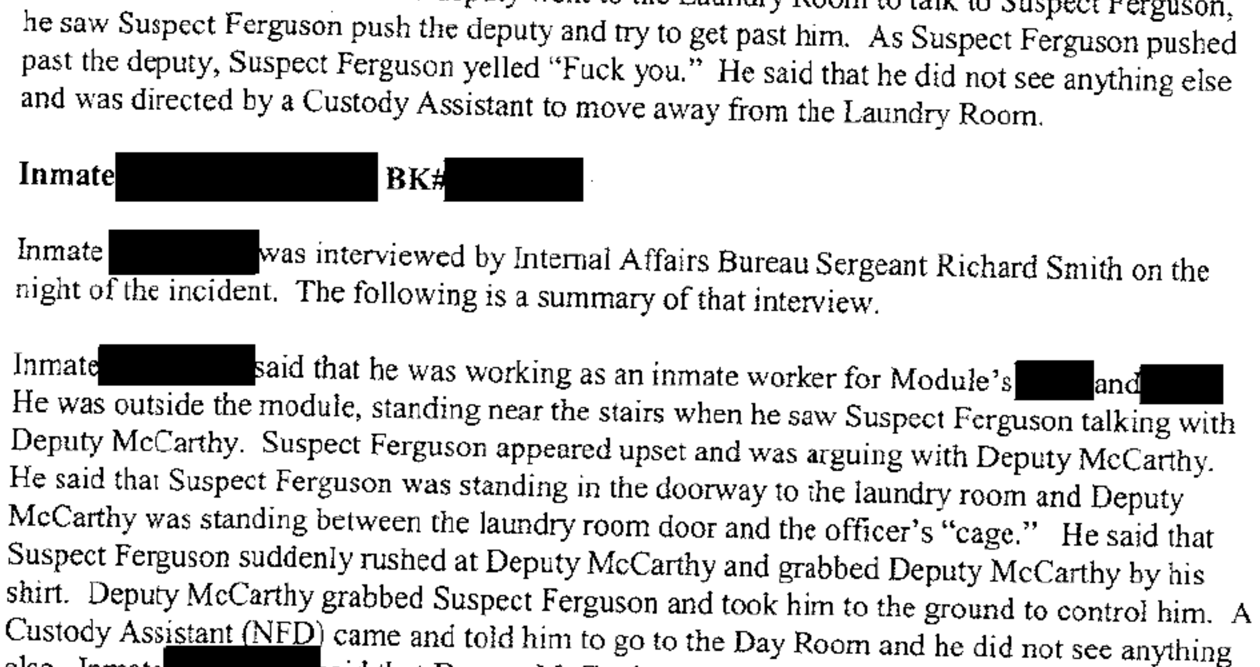
telling Deputy McCarthy that he was not going to enter the Module. He said that he began doing computer work when he heard Deputy McCarthy tell Suspect Ferguson to stay in the Laundry Room.

Custody Assistant Stevenson said that "a couple of seconds later" he heard "a commotion." He went to the officer's gate and began to unlock the gate. He then saw Custody Assistant Sato exit the module and order the inmate workers to step back from the Laundry Room area. He said that he was securing the "2" gate and looked into the Laundry Room. He said that he saw Deputy McCarthy with his knee in Suspect Ferguson's back and heard radio traffic concerning a deputy involved in a fight. He saw deputies arrive, but did not see what occurred in the Laundry Room after the deputies entered.

Inmate [redacted] BK[redacted]

Inmate [redacted] was interviewed by Internal Affairs Bureau Sergeant John Harris on the night of the incident. The following is a summary of that interview.

Inmate [redacted] said that he was outside of the Laundry Room and saw Suspect Ferguson leave his cell for pill call. After pill call, Suspect Ferguson did not return to his cell, but rather remained in the hallway "roaming." He said that Suspect Ferguson had told the deputy that he did not want to be housed in Module 2600/2800 and that the deputy had told Suspect Ferguson to wait in the Laundry Room and he would see what he could do about changing his housing location. He said that when the deputy went to the Laundry Room to talk to Suspect Ferguson, he saw Suspect Ferguson push the deputy and try to get past him. As Suspect Ferguson pushed past the deputy, Suspect Ferguson yelled "Fuck you." He said that he did not see anything else and was directed by a Custody Assistant to move away from the Laundry Room.



Inmate [redacted] BK#[redacted]

Inmate [redacted] was interviewed by Internal Affairs Bureau Sergeant Richard Smith on the night of the incident. The following is a summary of that interview.

Inmate [redacted] said that he was working as an inmate worker for Module's [redacted] and [redacted] He was outside the module, standing near the stairs when he saw Suspect Ferguson talking with Deputy McCarthy. Suspect Ferguson appeared upset and was arguing with Deputy McCarthy. He said that Suspect Ferguson was standing in the doorway to the laundry room and Deputy McCarthy was standing between the laundry room door and the officer's "cage." He said that Suspect Ferguson suddenly rushed at Deputy McCarthy and grabbed Deputy McCarthy by his shirt. Deputy McCarthy grabbed Suspect Ferguson and took him to the ground to control him. A Custody Assistant (NFD) came and told him to go to the Day Room and he did not see anything else. Inmate [redacted] said that Deputy McCarthy was only defending himself during the incident.

SUSPECT STATEMENT:

Donnieyell Ferguson, BK#8705115

Suspect Ferguson was interviewed by Internal Affairs Bureau Sergeant Richard Smith on October 24, 2005. The following is a summary of that interview.

Suspect Ferguson said that approximately five minutes after dinner had been served four inmates came to him and told him that they were getting him out of his cell in order for him to fight another inmate. He gathered his belongings and when the deputy opened his cell he exited and walked to the front gate. He saw a deputy at the gate and told him about the inmate who wanted to fight. The deputy told him to go into the Laundry Room. He went into the Laundry Room and he saw other inmates coming toward the Laundry Room. He ran out and told the deputy the inmates were coming for him. The deputy told him to go back into the Laundry Room and then he (the deputy) walked away. Suspect Ferguson said that he then talked to a Custody Assistant who told him to go back to the Laundry Room. He said that he went back to the Laundry Room at which time the deputy grabbed him, threw him across the Laundry Room and began hitting him in the face. He said that after the deputy had hit him and he had fallen to the ground, the deputy called for assistance. Other deputies arrived, but he was unable to identify them because he had passed out. Suspect Ferguson described the deputy as a M/W-30's, 5'5" tall with a bald head. He said that he did not push or hit the deputy at any time.